



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,124	07/09/2003	Steve Mace	501329.01	2987

7590 06/09/2004

Steven H. Arterberry, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle, WA 98101

EXAMINER

NGUYEN, TRINH T

ART UNIT	PAPER NUMBER
----------	--------------

3644

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,124

Applicant(s)

MACE ET AL.

Examiner

Trinh T Nguyen

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) 8-26 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramsey (US 1,650,908) in view of Regen (US 6,293,204).

Ramsey discloses an identifiable ammunition cartridge comprising: a projectile (1) having a first identification surface; a casing (5) that is coupled to the projectile that includes a second identification surface; and an identifier (2) positioned on at least one of the first and the second identification surfaces, the identifier includes a code.

However, Ramsey is silent about having a code comprised of a plurality of optically identifiable characters, the code being identically and repetitively applied to the identification surfaces.

Regen teaches a similar identifiable ammunition cartridge as that of Ramsey wherein Regen uses two-dimensional binary array codes (30, 31, note that Regen's code comprised a plurality of optically identifiable characters in which the code being identically and repetitively applied to the identification surfaces) as an identifier on either a projectile (10) or a shell casing (20) (see Abstract and lines 1-17 of col. 2 and lines 15-45 of col. 4). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to have modified Ramsey's code so as to include the use of a two-dimensional binary array codes, in a similar manner as taught in Regen, in order to provide a more efficient way for inventory management as well as quality control of the ammunition components.

For claim 2, Ramsey as modified by Regen (emphasis on Ramsey) further discloses the first identification surface comprises a base portion of the projectile (see Figure 1).

For claim 3, Ramsey as modified by Regen (emphasis on Ramsey) further discloses the second identification surface comprises an external rim portion of the casing (see Figure 4).

For claim 5, Ramsey as modified by Regen (emphasis on Ramsey) further discloses the code comprises a code prefix and a code body (note that the code body includes at least four characters).

For claim 6, Ramsey discloses most of the claimed invention except for indicating that the code prefix ranges from at least one character to three identical characters. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the identifiable ammunition cartridge of Ramsey so as to include the code prefix ranges from at least one character to three identical characters, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Furthermore, it is believe that through trial and error during the constructing process that one comes up with these ranges to meet the design criteria.

For claim 7, Ramsey as modified by Regen (emphasis on Ramsey) further discloses the projectile comprises a mass of pellets, a wad (6) positioned within the casing having a third identification surface (see Figures 2-4).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey (US 1,650,908) in view of Regen (US 6,293,204), further in view of Krystyniak (US 4,222,330).

Ramsey as modified by Regen discloses most of the claimed invention except for indicating that the second identification surface comprises a web portion of the casing.

Krystyniak teaches an identifiable ammunition cartridge having a second identification surface (20d) comprises a web portion of the casing (12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the identifiable ammunition cartridge of Ramsey as modified by Regen to include a second identification surface in the web portion of the casing, in a similar manner as taught in Krystyniak, in order to provide an additional place for another identification surface and thus provide additional information for ballistics experts and crime prevention agencies.

Response to Arguments

4. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3644

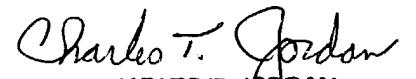
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on (703) 306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

ttn
05/25/04